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6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF SAN BERNARDINO

8 JEFF MACY, as an individual,

9 Plaintiff,

10 vs.

11 CALIFORNIA HIGHWAY PATROL, a State
12 Agency; Officer CHRISTOPHER BATES,
13 Supervisor Officer Sergeant JEFFREY
14 O'BRIEN, & DOES 1-10, inclusive,

15 Defendants.

Case No.: 5:23-cv-02245-RGK-BFM

MOTION FOR SANCTION(s) Pursuant to
FRCP 30(d)(2):

[DISCOVERY MOTION]

16 PLAINTIFF JEFF MACY ("Mr. Macy), through his undersigned counsel,
17 hereby files this Discovery Motion against Defendants California Highway Patrol
18 Running Springs, Christopher Bates ("Bates"), Jeffrey O'Brien ("O'Brien"), & Does
19 1 to 10, inclusive (collectively "Defendants"), alleges as follows:

JURISDICTION & VENUE

- 20 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1343(a)
21 (3-4) because Plaintiffs assert claims arising under the laws of the United
22 States including 42 U.S.C. §§ 1983 & 1985, the Fourth & Fourteenth
23 Amendments of the United States Constitution. This court has
24 supplemental jurisdiction over State Law Claims pursuant to 28 USC § 1367
25 because those claims are so related to Plaintiff's Federal Claims that the
26 claims form part of the same case &/or controversy pursuant to Article III
27 of the United States Constitution.
- 28 2. Venue is properly founded in this judicial district pursuant to 28 USC §§
1391(b) & (c) in that a substantial part of the events giving rise to the

claims in this action occurred within this District & Defendants are subject to personal jurisdiction in this district.

PARTIES

3. Plaintiff Jeff Macy, is a citizen of the State of California, & at all relevant times herein was a resident in San Bernardino County in the State of California.
4. Defendant California Highway Patrol Running Springs, is & at all times relevant a public entity located in the County of San Bernardino & existing under the laws of the State of California.
5. Defendant Christopher Bates is & at all times relevant a resident in the County of San Bernardino & existing under the laws of the State of California.
6. Defendant Jeffrey O'Brien is & at all times relevant a resident in the County of San Bernardino & existing under the laws of the State of California.
7. On information & belief at all times relevant, Defendant DOES 1-10 were residents of the County of San Bernardino & are sued in their individual capacity.

I. Introduction

Plaintiff is filing for a Discovery Motion as Defendant Jeffrey O'Brien's Response to Plaintiff's Request for Production of Documents CD was seemingly intentionally cracked & unusable; would not play. Defendant Christopher Bates's Response to Plaintiff's Request for Production of Documents CD was edited, can clearly see at 37 minutes & 39 minutes, & multiple other times in the video that there were many time skips. The audio in the video was also distorted

1 & mangled, so that the sound was inaudible & the Officers speaking couldn't be
2 heard. One video is intentionally cracked & the other is intentionally edited.

3 **II. Discussion**

4 Defendants are intentionally withholding evidence from Plaintiff. The
5 purpose of Highway Patrol Officers having Dash-cams is for evidence. Officers
6 know they have to be recordable, video/audio recorded; according to the First
7 Amendment. (Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011) It is a public right to be
8 able to record Highway Patrol Officers on duty. Highway Patrol Officers do not
9 have an Amendment right to not be recorded while on their official duty.

10 YouTube Video showing the intentionally cracked CD:

11 <https://youtu.be/R9FY7r6l9vg?feature=shared>

12 Plaintiff believes that the files he received have been altered because
13 both Production of Document CDs are different. Defendant Christopher Bates'
14 Production of Documents CD had no time stamp & distorted sound, so that it
15 would seem like it wasn't a prolonged traffic stop/detainment. YouTube Video
16 showing Defendant Christopher Bates' Production of Documents CD which has
17 been clearly been altered, even shows blur over faces:

18 <https://www.youtube.com/watch?v=-4g78g5BkBk> Whereas, Defendant Jeffrey
19 O'Brien's Production of Documents CD did have a time stamp & the sound
20 wasn't as distorted. YouTube Video showing Defendant Jeffrey O'Brien's
21 Production of Documents CD:

22 <https://www.youtube.com/watch?v=cAqt3wuKo1s> On **06/27/23**, about a
23 minute after Plaintiff & Family left the dump, Plaintiff was pulled over by
24 Defendant Officer Bates, as shown in Exhibit #1 Dump Weight Receipt.
25 Defendants tampered with the evidence because Defendants don't want it to
26 seem like a prolong detainment. Plaintiff was afraid that Defendants would edit
27

1 the video, which is why Plaintiff requested the unedited footage through public
2 records requests right after the detainment, but the videos were not provided.

3
4 **III. Conclusion**

5 For the reasons set forth above, Plaintiff's Discovery Motion should be
6 approved. Plaintiff asks that the court will compel the Defendants to provide
7 unedited videos of the traffic stop as requested & have a trial, so Defendant's
8 cannot harass Plaintiff. Please rule in favor of Plaintiff.

9 **DISCOVERY MOTION**

10 Plaintiff hereby motions for a Discovery Motion to compel Defendants for
11 proper evidence.

12 Respectfully Submitted,

13
14 By Plaintiff: _____

Jeff Macy

15 Jeff Macy

16
17 Date: _____

12/2/24